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ADVANCEMENT OF WOMEN

Draft declaration on the elimination of violence against women

Note by the Secretariat

By its resolution 1993/10 of 27 July 1993, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Draft declaration on the elimination of violence against women". The text of the draft resolution is reproduced below.

"Declaration on the elimination of
violence against women

"The General Assembly,

"Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human persons,

"Noting that these rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights, 2/ the Convention on the Elimination of All Forms of Discrimination against

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"1/ Resolution 217 A (III).

"2/ Resolution 2200 A (XXI), annex.

Women, 3/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 4/

"Recognizing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, annexed to the present resolution, will strengthen and complement that process,

"Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, 5/ which recommend a set of measures to combat violence against women, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

"Affirming that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and concerned about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

"Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of their full advancement, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,

"Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

"Recalling Economic and Social Council resolution 1990/15 of 24 May 1990, in the annex to which it was recognized that violence against women in the family and society was pervasive and cut across lines of income, class and culture, and had to be matched by urgent and effective steps to eliminate its incidence,

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"3/ Resolution 34/180, annex.

"4/ Resolution 39/46, annex.

"5/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

"Recalling further Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women,

"Welcoming the role that women's movements have played in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,

"Alarmed that women's opportunities to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence,

"Convinced that in the light of the above there is a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large towards the elimination of violence against women,

"Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

"Article 1

"For the purposes of this Declaration, the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

"Article 2

"Violence against women shall be understood to encompass, but not be limited to, the following:

"(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

"(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

"(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

"Article 3

"Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

"(a) The right to life; 6/

"(b) The right to equality; 7/

"(c) The right to liberty and security of person; 8/

"(d) The right to equal protection under the law; 9/

"(e) The right to be free from all forms of discrimination; 9/

"(f) The right to the highest standard attainable of physical and mental health; 10/

"(g) The right to just and favourable conditions of work; 11/

"(h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. 12/

"6/ Universal Declaration of Human Rights, article 3; and International Covenant on Civil and Political Rights, article 6.

"7/ International Covenant on Civil and Political Rights, article 26.

"8/ Universal Declaration of Human Rights, article 3; and International Covenant on Civil and Political Rights, article 9.

"9/ International Covenant on Civil and Political Rights, article 26.

"10/ International Covenant on Economic, Social and Cultural Rights, article 12.

"11/ Universal Declaration of Human Rights, article 23; and International Covenant on Economic, Social and Cultural Rights, articles 6 and 7.

"12/ Universal Declaration of Human Rights, article 5; International Covenant on Civil and Political Rights, article 7; and Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

"Article 4

"States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end should:

"(a) Consider, where they have not yet done so, ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women or withdrawing reservations to that Convention;

"(b) Refrain from engaging in violence against women;

"(c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;

"(d) Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;

"(e) Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for this purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with this subject;

"(f) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of gender-insensitive laws, enforcement practices or other interventions;

"(g) Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;

"(h) Include in government budgets adequate resources for their activities related to the elimination of violence against women;

"(i) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;

"(j) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;

"(k) Promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; these statistics and findings of the research will be made public;

"(l) Adopt measures directed to the elimination of violence against women who are especially vulnerable to violence;

"(m) Include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the present Declaration;

"(n) Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;

"(o) Recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women;

"(p) Facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels;

"(q) Encourage intergovernmental regional organizations of which they are members to include the elimination of violence against women in their programmes, as appropriate.

"Article 5

"The organs and specialized agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realization of the rights and the principles set forth in the present Declaration, and to this end should, inter alia:

"(a) Foster international and regional cooperation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women;

"(b) Promote meetings and seminars with the aim of creating and raising the awareness among all persons in respect of the issue of the elimination of violence against women;

"(c) Foster coordination and exchange within the United Nations system between human rights treaty bodies to effectively address the matter;

"(d) Include in analyses prepared by bodies and agencies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women;

"(e) Encourage coordination between bodies and agencies of the United Nations system to incorporate the issue of violence against women into ongoing programmes, particularly with reference to groups of women particularly vulnerable to violence;

"(f) Promote the formulation of guidelines or manuals relating to violence against women, taking into account the measures mentioned herein;

"(g) Consider the issue of the elimination of violence against women, as appropriate, in fulfilling their mandates with respect to the implementation of human rights instruments;

"(h) Cooperate with non-governmental organizations in addressing violence against women.

"Article 6

"Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty or other instrument in force in a State."